PENDING CLAIMS AS AMENDED

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) An access terminal for selecting a best serving sector in a ~~CDMA~~ wireless communication system comprising:

a signal level estimator to deduct an offset value from a fixed rate signal level of the current serving sector to generate an adjusted fixed rate signal level for all sectors;

a comparator to determine differences between a plurality of signal levels received from a plurality of active sectors and a signal level of a current serving sector;

a comparator for receiving adjusted signal levels to determine differences;

an accumulator ~~to apply a hysteresis during an accumulation and provides accumulated total credits to a credit authorization module~~ for accumulating total credits; and

a new sector identification module to receive the accumulated total credits and ~~selects the sector with the highest soft key among a pool of candidate sectors~~ and to select the best serving sector among a pool of candidate sectors based on the accumulated total credits.

2. (Original) The access terminal of claim 1, further comprising a best sector identifier to provide an output of the best serving sector and transmission mode.

3. (Original) The access terminal of claim 2, wherein the transmission mode identifies the best serving sector transmission mode as fixed rate or variable rate.

4. (Currently Amended) The access terminal of claim 1 further comprising a reverse link power control bit (RPC) filter to evaluate whether a mean RPC exceeds a threshold and determine if a deduction is to be applied to a variable rate signal level.

5. (New) An apparatus for selecting a best serving sector in a CDMA communication system, said apparatus comprising:

a comparator comparing a plurality of signal levels received from a plurality of active sectors with a signal level of a current serving sector to produce a difference;

delta generator, coupled to the comparator, for generating a delta credit for each of said plurality of active sectors based on said difference;

an accumulator, coupled to the delta generator, for accumulating a plurality of delta credits to produce an accumulated total credit; and

a best sector identifier, coupled to the accumulator, for identifying said best serving sector from said accumulated total credit.

6. (New) The apparatus of claim 5 wherein said plurality of signal levels received from said plurality of active sectors comprises a fixed rate signal level and a variable rate signal level.

7. (New) The apparatus of claim 6 further comprising an adjustment module for adjusting said fixed rate signal level to produce an adjusted fixed rate signal level.

8. (New) The apparatus of claim 7 further comprising an authorization module for authorizing said plurality of delta credits.

9. (New) The apparatus of claim 8 further comprising: a receiver for receiving a plurality of DRC lock bits; adjustment module for adjusting said variable rate signal to produce an adjusted variable rate signal level.

10. (New) The apparatus of claim 9 further comprising: highest variable rate mode determination module for determining a sector having a highest variable rate mode from said plurality of active sectors; highest fixed rate mode determination module for determining a sector having a highest fixed rate mode from said plurality of active sectors.

11. (New) The apparatus of claim 10 further comprising preferred mode determination module for determining a preferred mode.